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WELLS FARGO BANK, N.A.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

ALICIA HERNANDEZ, et al., individually and  
on behalf of all others similarly situated,

Plaintiffs,

v.

WELLS FARGO & COMPANY and WELLS  
FARGO BANK, N.A.,

Defendants

No. 3:18-cv-07354 WHA

**DECLARATION OF ROBERT  
FERGUSON IN SUPPORT OF  
DEFENDANT WELLS FARGO BANK,  
N.A.'S OPPOSITION TO PLAINTIFFS'  
RENEWED MOTION FOR CLASS  
CERTIFICATION**

1 I, Robert Ferguson, hereby declare:

2 1. I am a Loan Administration Manager for Wells Fargo Home Mortgage, which is a  
3 division of Wells Fargo Bank, N.A. I have worked for Wells Fargo Home Mortgage for  
4 approximately 16 years. My job responsibilities include leading the employees responsible for  
5 working with in-house and outside counsel on litigated matters, to review documents and to verify  
6 discovery responses. I also appear on behalf of Wells Fargo at settlement conferences, mediations,  
7 depositions, and trials. Except where otherwise indicated, I have personal knowledge of the matters  
8 set forth below and could and would testify competently thereto.

9 2. During, and in the aftermath of, the 2008 economic crisis, Wells Fargo was faced with  
10 a significant increase in demand for loss mitigation, which included loan modifications.


11 3. Based upon my review of records kept in the normal course of business, from 2010 to  
12 2018, Wells Fargo considered and decisioned approximately 2.9 million loan modification  
13 applications. Of those, Wells Fargo approved more than 1.6 million permanent loan modifications.

14 4. Of the fifteen named Plaintiffs who filed the Second Amended Complaint in this  
15 lawsuit, all but four (two individual borrowers and two co-borrowers) pursued individual mediations  
16 with Wells Fargo to seek additional compensation beyond the proactive remediation checks that  
17 were sent to each Plaintiff when Wells Fargo informed them of the erroneous trial modification  
18 decisions.

19 5. A true and correct copy of a (redacted) chart showing information in Wells Fargo's  
20 records regarding borrowers potentially impacted by the calculation error at issue here as of is  
21 attached hereto as Exhibit A.

22 6. True and correct copies of the named Plaintiffs' security instruments, which Wells  
23 Fargo keeps in the ordinary course of business, are attached hereto as Exhibits B.

24 I declare under penalty of perjury under the laws of the United States that the foregoing is  
25 true and correct. Executed this 10th day of December 2019.

26   
27 Robert Ferguson  
28 Loan Administration Manager  
Assistant Vice President